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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,672	03/29/2004	Sebastian Huther	H01.2-11499US01	1410

490 7590 11/25/2005

VIDAS, ARRETT & STEINKRAUS, P.A.
6109 BLUE CIRCLE DRIVE
SUITE 2000
MINNETONKA, MN 55343-9185

EXAMINER

BURCH, MELODY M

ART UNIT

PAPER NUMBER

3683

DATE MAILED: 11/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/811,672	Applicant(s) HUTHER ET AL.	
	Examiner Melody M. Burch	Art Unit 3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 1-7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 April 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/4/05 has been entered.

Drawings

2. The drawings are objected to because of the inclusion of new matter ~~—see the~~
^{mpe 11/21/05}
~~specification objection below.~~ Support for the detailed connection between the time delay and the added sensors with the remainder of the brake system is not found in the originally filed disclosure. The originally filed specification fails to provide support for the amendments to the specification filed 4/11/05. For example, the originally filed disclosure fails to specifically show or disclose the delay being located in the new output line 52 or the detailed connection shown in amended figure 1. The originally disclosure lacks support for the specific placement of the lifting height and travel direction sensors. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be

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canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as "Annotated Sheets" and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37 CFR 1.121(d)(1). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

Claim Objections

4. Claims 1-7 are objected to because of the following informalities: the phrase "breaking device" in the last line of claim 1 should be changed to --braking device--. Also in lines 2-3 from the bottom of claim 1 "where in" should be changed to --wherein--.

The remaining claims are objected to due to their dependency from claim 1.
Appropriate correction is required.

Allowable Subject Matter

5. Claims 1-7 would be allowable if rewritten or amended to overcome the objections set forth in this Office action.

Response to Arguments

6. Applicant's arguments with regards to the new matter filed 10/4/05 have been fully considered but they are persuasive only in part.

Examiner maintains that the originally filed specification fails to provide support for the specific placement of the lifting height and travel direction sensors. Nowhere in the original disclosure was it mentioned that sensors 56, 58, 60, 62, and 64 were specifically associated with regulators (plural) 40 as the amended specification describes. With regards to the drawing changes, Applicant argues that Examiner required that the drawings be amended in the first office action. Examiner agrees that the office action requires that claimed subject matter be shown or cancelled from the claims. It is emphasized that drawing changes must not introduce new matter. The originally filed disclosure does not provide support for the extensive changes to the arrangement of the brake components set forth in the amended figure 1 filed 4/11/05.

The originally filed specification states that the braking signal generator 22 compares the desired braking force to the actual braking force. Applicant amended the specification to read that the braking signal from generator 22 defining the desired

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braking force is compared with the actual braking force. Examiner notes that since the force at junction 30 was previously described as a desired braking force, the force outputted from element 34 was previously described as an actual braking force, and the element 36 was described as a comparator, Examiner agrees that the originally filed drawings adequately support the rewording in the paragraph starting at pg. 5 line 20. Accordingly, Examiner has withdrawn the objection regarding the new matter in the specification in the paragraph starting at pg. 5 line 20.

Examiner has also found Applicant's arguments regarding the 103 rejections persuasive. Wagner fails to show a three-phase driving motor which drives the driving wheel and which is controlled by a desired torque value and a first braking device associated with the driving wheel which operates from a signal derived from a comparison of a first braking signal (which is converted into a desired torque value) compared with an actual braking signal (derived from an actual torque value of the driving motor). Accordingly, the 103 rejections have been withdrawn.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 571-272-7114. The examiner can normally be reached on Monday-Friday (6:30 AM-3:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James McClellan can be reached on 571-272-6786. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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mmb

November 21, 2005

Melody M. Burck
11/21/05